

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TYNEISHA FARMER,

Plaintiff,

vs.

SAMSUNG ELECTRONICS AMERICA, INC,

Defendant.

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CASE NO. 3:19-cv-02141

JURY REQUESTED

ORIGINAL COMPLAINT AND JURY REQUEST

TO THE HONORABLE JUDGE OF THIS COURT

COMES NOW Tyneisha Farmer (“Plaintiff”), complaining of Samsung Electronics America, Inc. (“Defendant”), and for cause of action she respectfully shows unto this Court the following:

PARTIES AND SERVICE

1. Plaintiff is a citizen of the United States of America and currently resides in Cleveland, Ohio. Defendant is Plaintiff’s former employer.

2. Defendant, Samsung Electronics America, Inc., is a foreign entity doing business in Dallas County and can be served through its registered agent, CT Corporation System at 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136, in any manner the Federal Rules of Civil Procedure permit.

JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

4. All parties are subject to personal jurisdiction in the Northern District of Texas. Defendant made itself subject to this Court's jurisdiction by maintaining a physical presence and business operations in this District.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 (b) & (c) because Defendant resides in this District and most of the relevant facts occurred in this District.

NATURE OF THE ACTION

6. This is a private civil action brought against Defendant pursuant to the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. §2615(a)(2); §2615(b), on the basis that Defendant retaliated against Plaintiff because Plaintiff exercised her FMLA rights.

CONDITIONS PRECEDENT

7. All conditions precedent to jurisdiction have occurred or been complied with.

FACTS

8. Plaintiff Tyneshia Farmer ("Farmer") began her employment with Samsung Electronics America, Inc. ("Samsung") in August of 2015. For more than two years, she never received any write-ups or infractions regarding her on-the-job performance. Ms. Farmer had always performed her work diligently and to her typical high standards. Several months prior to her leave, she had been praised by Samsung's President and Vice President of HR for her involvement and direction over a company health fair. However, when she informed the Director of Total Rewards, Leah Davis, of her diagnosis and FMLA leave in or about August 8, 2017, Samsung undertook a series of actions that violated Ms. Farmer's rights under the FMLA.

9. In July of 2017, Ms. Farmer began to suffer from severe migraine headaches. During this time, her mother became ill. On or about August 2, 2017, Ms. Farmer requested a leave of absence under the Family and Medical Leave Act ("FMLA") in order to assist with her mother's

medical needs. On or about July 31, 2017 and after returning from caring from her mother in Cleveland, Ohio, Ms. Farmers informed the FMLA Administrator, Ms. Christine Kang, of her intent to immediately take FMLA leave. Before this leave was approved, Ms. Farmer realized that her headaches and illness was not to be overlooked and that she herself needed care. Shortly thereafter, her migraines became more intense and she herself began to suffer from an illness which led her to being forced to stay home from work beginning on or about August 8, 2017.

10. On or about August 11, 2017, Ms. Farmer saw her physician who instructed her that she needed to remain away from work for the prolonged period of time. Ms. Farmer immediately informed Samsung's management of her situation and provided them with the note from her physician. At this point, her initial request for FMLA leave had been approved.

11. During most of her leave, Ms. Farmer was continuously harassed by Ms. Blasberg about meeting with her. A successful business meeting was almost impossible for Ms. Farmer given the amount and type of medication that she had been prescribed. On August 13, 2017, Ms. Farmer attempted to log into Samsung's internal system to set her out-of-office messaging and found that her access had been terminated. Although she had only been granted leave a few days prior, she was never instructed that she would lose access to Samsung's systems.

12. On August 22, 2017, about a week or so later, Ms. Farmer received a letter immediately terminating her employment with Samsung. There had been no previous warnings; no infractions; no disciplinary action whatsoever.

13. On August 23, 2017, she received a revised letter terminating her employment upon her return to Samsung, which was expected to be September 5, 2017. However, Mrs. Farmer was not cleared to return to work until Monday, September 11, 2017. Upon contacting the FMLA

manager, Christine Kang, on Friday, September 8, 2017 to inform Ms. Kang of her return, Ms. Farmer received an email notifying her that she would be terminated as of September 11, 2019.

14. Samsung clearly violated Ms. Farmer's rights under the FMLA by terminating her because of her FMLA leave. FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. Specifically, the FMLA prohibits employers from discriminating or retaliating against an employee for having exercised any FMLA rights. *See* 29 C.F.R. §825.220 (c).

CAUSE OF ACTION- FMLA VIOLATION

15. Plaintiff hereby incorporates by reference paragraphs 1 through 14 of this Complaint.

16. Defendant is a covered employer to which FMLA applies.

17. Plaintiff invoked her right to FMLA benefits when she requested medical leave.

18. Plaintiff was terminated because Plaintiff exercised her right to take FMLA leave.

19. As a result of Defendant's actions, Plaintiff has suffered both economic and non-economic damages.

20. Plaintiff is entitled to recover all reasonable attorneys' fees and costs incurred in this action.

JURY REQUEST

21. Plaintiff hereby requests a trial by jury.

RELIEF REQUESTED

22. Plaintiff, Tyneisha Farmer, respectfully requests that the Defendant, Samsung Electronics America, Inc., be cited to appear and answer herein, and that upon a final hearing of the cause, judgement be entered for the Plaintiff against Defendant for specific

relief and/or damages, together with interest as allowed by law, in an amount within the jurisdictional limits of the Court. Plaintiff further requests that Defendant be held responsible for his attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be justly entitled at law or in equity.

Respectfully submitted,

STEPHENS REED & ARMSTRONG, PLLC

By: /s/ Derrick A. Reed

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